

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

Plaintiff, Case No. 16-2194

vs.

HON. CATHERINE L. HEISE

JOEL CASTRO,

Defendant.

_____ /

MOTION

Before the HON. CATHERINE L. HEISE, Circuit Court Judge,
Detroit, Michigan - Monday, May 23, 2016.

APPEARANCES:

MARVIN COOKE, ESQ.(P55351)
Appearing on behalf of the People

SOLOMON RADNER, ESQ.(P73653)
Appearing on behalf of Defendant

Reported By:

KEVA M. JACKSON - OFFICIAL COURT REPORTER - CSR 5964

I N D E X

Proceeding

Page
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EXHIBITS:
NA

OFFR'D

REC'D

Monday, May 23, 2016

Detroit, Michigan

At or about 8:56 a.m.

THE CLERK: Calling case number 16-2194.

People of the State of Michigan versus Joel
Castro.

This matter is here before the Court today for
a motion hearing, please.

MR. COOKE: Good morning, judge.

Marvin Cooke appearing on behalf of the
People.

MR. RADNER: Good morning, your Honor.

Solomon Radner appearing on behalf of
Mr. Castro who is present and standing to go my left.

THE COURT: Good morning, counselors, and good
morning, Mr. Radner.

THE DEFENDANT: Good morning.

MR. RADNER: Judge, I have three motions
pending in front of the Court; I have a Motion to Remand
since I was not permitted to call witnesses, I have a
Motion to Quash the bindover and to dismiss the case,
and I also have a Motion to quash the initial warrant.
I think the prosecutor's not going to oppose, correct me
if I'm wrong. I don't think he's going to take a
position on my Motion to Dismiss because have I

1 documentation here I did not file with the Court, and
2 I'd much rather not file it with the Court, that allows
3 my client to have up to 36 plants. He has two patients,
4 he has plant possession, and he also has plant
5 possession for himself as his own patient. He was found
6 with 26 or 27 plants which is, obviously, well under the
7 36. If the Court's going to grant that motion,
8 obviously, the other two are denied as moot.

9 THE COURT: Mr. Cooke, does the extent of the
10 defendant's permission under the Medical Marijuana Act
11 encompass the particular facts of this case?

12 MR. COOKE: It does, your Honor. And I was
13 shown documentation this morning indicating that the
14 defendant is a registered caregiver for two patients and
15 based upon my understanding of the Michigan Medical
16 Marijuana Act he would have been entitled to at least
17 the possession of 36 plants.

18 THE COURT: Yeah, I think up to 36.

19 MR. COOKE: So the People take no position,
20 judge. Leave it to the Court's discretion.

21 THE COURT: Well, then I will grant the
22 motion. The facts of this case fall within the scope of
23 your client's license so I'll go ahead and dismiss the
24 case.

25 MR. RADNER: Can I ask that the order is clear

1 that the other two motions are not denied on the merits
2 but are denied as moot?

3 THE COURT: As moot.

4 MR. RADNER: Thank you.

5 THE COURT: Any objections, Mr. Cooke?

6 MR. COOKE: None, Judge.

7 THE COURT: All right. So I'm going to grant
8 your Motion to Dismiss -- I'm going to grant your Motion
9 to Dismiss that's how you filed it.

10 MR. RADNER: Correct.

11 THE COURT: But the Motion for Remand and the
12 Motion to Quash the initial search warrant are not
13 decided because they're moot.

14 MR. RADNER: Thank you so much.

15 THE COURT: Thank you, Mr. Radner. Thank you,
16 Mr. Castro.

17 (Proceeding concluded at 9:00 a.m.)

18 * * *

C-E-R-T-I-F-I-C-A-T-E

STATE OF MICHIGAN)

) ss.

COUNTY OF WAYNE)

I, Keva Jackson, do hereby certify

that the foregoing pages, 1 through 6, inclusive, comprise a
true and correct transcription of the proceedings reported on
May 23, 2016, in the above-entitled matter,
Case No. 16-2194.

KEVA M. JACKSON, CSR 5964
Official Court Reporter

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